

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed on May 22, 2007 ("Office Action"). Claims 1-3 and 5-31 are pending in the Application and stand rejected. Claims 1, 2, 25, and 29 have been amended. Applicants respectfully request reconsideration and favorable action in this case.

#### Section 101 Rejections

Claims 1-3 and 5-31 stand rejected under 35 U.S.C. § 101 for containing nonstatutory subject matter. While Applicants continue to traverse the § 101 rejections in the prior Office Actions, Applicants have amended independent Claims 1, 25, and 29 as recommended by the Examiner to further provide for a practical application with a useful, concrete, and tangible result. Support for the additional claim language added by amendment may be found, for example, at [0079], [0087], [00304], [00306], Fig. 2, and Figs. 3A-3B. Applicants note, however, that similar examples may be found elsewhere in the specification and drawings of the present Application. Accordingly, Applicants respectfully request reconsideration and allowance of all claims over the § 101 rejection in light of these remarks and amendments.

#### Section 112 Rejections

Claims 1-3, 5-21, 25, and 27-31 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the rejections and all the assertions and holdings therein. Indeed, Applicants assert that each listed term is more than sufficiently described and supported within the Application. It is well settled that the written description requirement of § 112 is satisfied when the specification describes the claimed invention in sufficient detail so that one of ordinary skill in the art can reasonably conclude that the inventors had in their possession the claimed invention. *See* M.P.E.P. § 2163 (citing *Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319 (Fed. Cir. 2003); *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563 (Fed. Cir. 1991)). There is a strong presumption that the claimed invention is adequately described when the application is filed, or in other words, it is presumed that originally filed claims comply with the written description

requirement. *See* M.P.E.P. § 2163(I)(A). Importantly, the claimed subject matter “need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.” *Id.* § 2163.02.

With this in mind, Applicants respectfully assert that one of ordinary skill in the art would reasonably conclude that Applicants had possession of the claimed subject matter, thereby satisfying the written description requirement, particularly for each term indicated by the Office Action. Applicants have provided references below to select portions of this Application that describe examples of the particular claim term. Applicants provide these references for the purpose of expediting prosecution of the Application only, without construing the meaning of the claims, and submit that additional portions of the Application can provide similar examples.

- Claims 21 and 31 (“solution template”) – for example, Applicants direct the Examiner to [0088] and [00266] of the Application.
- Claims 1, 3, 7, 15, 20, 21, 25, 28, 29, 30 (“technology object”) – for example, Applicants direct the Examiner to [0053] and [00281]-[00288] of the Application.
- Claims 1, 2, 25 (“first” and “second data repository”) – for example, Applicants direct the Examiner to Fig. 3B of the Application.
- Claim 5 (“displaying questions to the user”) – for example, Applicants direct the Examiner to Figs. 2-3, [0053], [0070], [0075], [00100] and [00217] of the Application.
- Claims 1, 3, 6, 21, 29 (“business object”) – for example, Applicants direct the Examiner to [0053], [00272]-[00278], [00488] and [00722] of the Application.
- Claim 8 (“select” a “business solution”) – for example, Applicants direct the Examiner to [0009], [0079] and [00161] of the Application.
- Claim 9 (“maintain and modify a knowledge base”) – for example, Applicants direct the Examiner to [0063], [0068] and [0075]-[0076] of the Application.
- Claim 10 (“maintain and modify a project”) – for example, Applicants direct the Examiner to [0084]-[0085] and [0088] of the Application.

- Claim 11 (“maintain and modify an integrated implementation”) – for example, Applicants direct the Examiner to [0087] and [00525]-[00526] of the Application.
- Claims 2, 8, 10-14, 16, 17 (“repository layer”) – for example, Applicants direct the Examiner to [0056] and [0059] of the Application.
- Claim 16 (“technology component identifier”) – for example, Applicants direct the Examiner to [0073] and [0080]-[0081] of the Application.
- Claims 17 and 19 (“solution determination structures”) – for example, Applicants direct the Examiner to [00146] and [00148] of the Application.
- Claim 27 (“plurality of solution determination structures”) – for example, Applicants direct the Examiner to Fig. 9, [0075] and [00249] of the Application.

Further, the Office Action appears to object to the use of permissive language, such as the word “may” in describing certain aspects of the claimed subject matter. *See, e.g.*, Office Action at 5 (objection in the context of “technology object”). Applicants explicitly traverse these remarks and any rejections based thereon. Specifically, Applicants submit that the noted phrases are clear, concise and exact, and dispute the assertions that the phrases are in any way unclear, inexact, indefinite, or do not fully and clearly describe and support the claimed subject matter. Also, saying that something “may” merely provides the permissive nature of the attribute that “may” be. To be clear, Applicants are unaware of any support for this rejection and request that the Examiner either (a) provide such support or (b) withdraw this rejection.<sup>1</sup>

### **Section 102 Rejection**

Claim 29 stands rejected under 35 U.S.C. § 102(b) as being anticipated by “*UML Distilled: A Brief Guide to the Standard Object Modeling Language*” by Fowler (“Fowler”).<sup>2</sup>

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<sup>1</sup> It appears that Claims 2, 3, 5-24, 26-28, 30, and 31 stand rejected solely under 35 U.S.C. §§ 101 and 112. Accordingly, Applicants respectfully request an indication from the Examiner that these claims would be allowable if rewritten in independent form, at least in view of the foregoing remarks.

<sup>2</sup> While the current Office Action purports to incorporate prior Office Actions, this Office Action further states that “Bowman is no longer used as a reference for this application.” Applicants read this statement, as well as the Office Action’s reliance on new references, to mean that the previous responses were successful in traversing the Bowman reference. If Applicants’ reading of the current Office Action is incorrect in this regard, Applicants

Applicants respectfully traverse the rejections and all the assertions and holdings therein,<sup>3</sup> because *Fowler* fails to teach, suggest, or disclose each and every element of Claim 29 as required. *See* M.P.E.P. § 2131.

For example, *Fowler* fails to teach “prompting the user to select at least one instantiated business process object and one instantiated technology object,” as recited by Claim 29. The Office Action relies on *Fowler*’s disclosure of a “structural feature” and a “behavioral feature” to reject the claimed instantiated technology object and instantiated business process object, respectively. *See* Office Action at 11. At the outset, Applicants note that *Fowler* generally describes the Unified Modeling Language (UML) and its capabilities. *See generally Fowler*. UML is a standardized specification language for object modeling used, for example, to create an abstract model of a system. Accordingly, there is no indication in *Fowler* that these “features” are, in fact, “objects,” to say nothing of “instantiated objects.” More particularly, *Fowler* describes “structural” and “behavioral features” in the context of a UML meta-model, *i.e.*, a diagram that describes a notation. *See id.* at 4, Fig. 1-1. Applicants respectfully submit that neither the description of the UML meta-model in *Fowler*, nor the figure illustrating such a meta-model, teach, suggest, or describe a “business process object” or a “technology object,” instantiated or otherwise.<sup>4</sup>

As another example, *Fowler* further fails to teach “maintaining and modifying the business solution,” as recited by Claim 29. The Office Action asserts that “objects that are set up and then left alone” in *Fowler*, thereby disclosing “maintaining and modifying the business solution.” *See* Office Action at 11. Putting aside that there is no indication that the features (the so-called “objects”) in *Fowler* are analogous to the claimed “business solution,” *Fowler*

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respectfully request the Examiner to notify the Applicants immediately to discuss any continuing rejections based on this reference.

<sup>3</sup> Further, Applicants reassert the previous responses to the various references in the prior Office Actions and submit that the newly cited art fails to account for the deficiencies in the art cited in previous actions.

<sup>4</sup> Moreover, an “instantiated business process object” and an “instantiated technology object” are two distinct aspects of a business solution management system, method, or software, each describing distinct components of the business solution. *See, e.g.*, Application at [0053]. In contrast, Fig 1-1 of *Fowler* appears to indicate that both the “behavioral feature” and the “structural feature” are sub-components of a “feature,” *i.e.*, they do not describe distinct components of a business solution (even assuming *arguendo* that *Fowler* teaches, suggests, or discloses a business solution, which Applicants dispute).

expressly notes that objects are “not modified often, and when they are, *we can create them again.*” *Fowler* at 8 (emphasis added). In short, rather than teaching that the business solution may be modified as the Office Action asserts, *Fowler* indicates that the few objects that are modified are created anew.

For at least the reasons above, Applicants respectfully request the rejection of Claim 29 in view of *Fowler* be withdrawn and that this claim and those depending therefrom be reconsidered and allowed.<sup>5</sup>

### **Section 103 Rejections**

Claims 1 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fowler* in view of U.S. Patent Publication No. 2002/0174005 to Chappel (“*Chappel*”). Applicants respectfully traverse the rejections and all the assertions and holdings therein. Specifically, *Chappel* fails to account for the deficiencies in *Fowler* described above with regard to certain aspects in amended Claims 1 and 25 that are analogous to those in Claim 29, such as “business process objects” and “technology objects.”<sup>6</sup> *Chappel* describes a use of statistical modeling and rules-based analysis methods to plan a business operation. *See Chappel* at [0020]-[0021]. *Chappel* further describes two databases, a source database 140 and rules database 145, to store business data and predetermined rules, respectively. *See id.* at [0026]. The Office Action seems to compare *Chappel*’s source database 140 and rules database 145 to the claimed first and second data repositories, respectively. But *Chappel*’s mere showing of some database, indeed even two databases, simply does not address the full language of the claimed repositories, namely, “a first data repository comprising the instantiated user-selectable, pre-defined business objects” and “a second data repository comprising the instantiated user-selectable, pre-defined

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<sup>5</sup> Additionally, Applicants respectfully traverse the Office Action’s bald assertion that claims may be interpreted in their broadest reasonable sense. *See* Office Action at 18-19, ¶¶ 8-10. Applicants submit that claims must be read in “light of the specification as it would be interpreted by one of ordinary skill in the art.” M.P.E.P. § 2111 (quoting *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004)). In other words, “[t]he broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.” M.P.E.P. § 2111 (citing *In re Cortright*, 165 F.3d 1353, 1359 (Fed. Cir. 1999)).

<sup>6</sup> Further, Applicants respectfully traverse the Office Action’s assertion that the “software” of Applicants, as recited in Claims 1 and 25, is equivalent to the Unified Modeling Language (UML). *See* Office Action at 12. As noted above in response to the rejection based on § 102, Applicants submit that UML is not software but a standardized specification language for object modeling used, for example, to create an abstract model of a system.

technology objects,” as recited by example Claim 1. For example, *Chappel* teaches that the rules database stores “predetermined rules used to process or analyze results from the statistical analysis performed by the software tools.” *Id.* Further, *Chappel* teaches that the rules database “may include additional knowledge, facts and assertions, that is [sic] generated by the software tools.” *Id.* Put another way, *Chappel*’s source database is not “a first data repository comprising the instantiated user-selectable, pre-defined business objects” and *Chappel*’s rules database is not “a second data repository comprising the instantiated user-selectable, pre-defined technology objects.”

Accordingly, Applicants respectfully request reconsideration and allowance of amended Claim 1 and all claims depending therefrom. Claim 25, as amended, includes certain aspects analogous to Claim 1. Therefore, Applicants respectfully request reconsideration and allowance of Claim 25 and all claims depending therefrom.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all Claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, **Applicants hereby request a telephone conference with the Examiner** and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Applicants believe that no fees are due. If this is incorrect, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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